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512425-2100**REMARKS TRAVERSING RESTRICTION REQUIREMENT**

The restriction requirement is traversed on the grounds that assertions of different classification and different classes of invention (i.e. product vs. method of using) alone are insufficient to support a restriction requirement. The restriction requirement must also indicate why the inclusion of multiple invention represents a burden to the office (see MPEP 803 - "If the search and examination of an entire application can be made without serious burden, *the examiner must examine it on the merits*, even though it includes claims to independent or distinct inventions.").

Given that the leather treatment formulations by definition require the linear carboxy-functional organosiloxane compound of claim 1, it is unclear why claims 11-15 represent an undue burden on the office.

Moreover, the invention of Group II (claims 11-15) are linked to the invention of Group I (claims 1-10). MPEP 809.03 "Linking Claims" states:

"The most common types of linking claims which, if allowed, act to prevent restriction between inventions that can otherwise be shown to be divisible, are

- (A) genus claims linking species claims;
- (B) a claim to the necessary process of making a product linking proper process and product claims;
- (C) a claim to "means" for practicing a process linking proper apparatus and process claims; and
- (D) *a claim to the product linking a process of making and a use (process of using).*"

As such, the Examiner is reminded that MPEP 809 states in part that "[t]he *linking claims must be examined with the invention elected*, and should any linking claim be allowed, the restriction requirement must be withdrawn." (emphasis added)

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Lastly, MPEP 821.04 (Rejoinder) states in part that "Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called under 35 U.S.C. 121 to elect claims to either the product or the process. See MPEP § 806.05(i) and § 806.05(h). The claims directed to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 809.02(c) and § 821 through § 821.03. *However, if an applicant elects claims directed to the product, and a product*

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claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

(emphasis added)

In summary, the claims of Group II have not been shown to represent an undue burden on the Office, the claims of Group I and Group II are linked and the claims of Group II would be rejoined with the claims of Group I when the latter claims are allowed. For any of these reasons, the restriction requirement should be withdrawn and all the claims should be examined on the merits.

Favorable action is earnestly solicited.

Respectfully submitted,

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